

# FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

1730 K STREET NW, 6TH FLOOR

WASHINGTON, D.C. 20006

November 2, 2000

DISCIPLINARY PROCEEDING

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Docket No. D 2000-2

BEFORE: Jordan, Chairman; Riley, Verheggen, and Beatty, Commissioners

## ORDER

BY THE COMMISSION:

On May 17, 2000, Chief Administrative Law Judge David Barbour sent to the Commission a disciplinary referral pursuant to Rule 80 of the Commission's Procedural Rules, 29 C.F.R. § 2700.80.<sup>1</sup> This matter was raised by Lue A. Wilson.<sup>2</sup> We have reviewed the

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<sup>1</sup> Commission Procedural Rule 80 provides in pertinent part:

(b) Grounds. Disciplinary proceedings may be instituted against anyone who is practicing or has practiced before the Commission on grounds that such person has engaged in unethical or unprofessional conduct; has failed to comply with these rules or an order of the Commission or its Judges; has been disbarred or suspended by a court or administrative agency; or has been disciplined by a Judge under paragraph (e) of this section.

(c) Disciplinary proceedings shall be subject to the following procedure:

...

(2) Inquiry by the Commission. The Commission shall conduct an inquiry concerning a disciplinary referral and shall determine whether disciplinary proceedings are warranted. The Commission may require persons to submit affidavits setting forth their knowledge of relevant circumstances. If the Commission determines that disciplinary proceedings are not warranted, it shall issue an order terminating the referral.

29 C.F.R. § 2700.80.

<sup>2</sup> In December 1999, Lue Wilson filed a discrimination complaint under section 105(c)(3) of the Mine Act, 30 U.S.C. § 815(c)(3), against his former employer, Sidco Mining, Inc.

submissions and considered the allegations of misconduct presented by Mr. Wilson, and conclude that even if the facts he alleged were true, they would not warrant disciplinary proceedings under Commission Procedural Rule 80. Accordingly, this inquiry is terminated.

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Mary Lu Jordan, Chairman

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James C. Riley, Commissioner

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Theodore F. Verheggen, Commissioner

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Robert H. Beatty, Jr., Commissioner

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(“Sidco”), which is currently pending before the Commission, awaiting hearing before an administrative law judge. *Wilson v. Sidco Mining, Inc.*, Docket No. CENT 2000-87-DM.

## Distribution

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